

REMARKS

The application has been amended and is believed to be in condition for allowance.

Previously, Claims 1-44 were pending with claim 1 being the sole independent claim. This amendment amends many of the previously pending claims, cancels claim 34, and adds new independent claim 45.

The Official Action objected to drawing Figure 17 for not including a lead line corresponding to reference character 314. Responsively, Figure 17 has been amended to add the missing reference lead line.

The specification was objected to "because the Applicant has used six paragraph, means-plus-function language to define the invention." Specifically, in claim 1 there was the recitation "means for activating said canister to open and dispense said medicament"; and in claim 38, "means for moving the mouth piece from a rest/protected position".

Responsively, these recitations have been amended to move them out of the six paragraph means-plus-function format.

The specification was also amended to correct noted formal matters including those found on page 3 of the Official Action.

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The Official Action objected to claims 3 and 6-8. Those claims were amended consistent with the instructions provided by the Official Action.

On page 4, the Official Action objected to claims 20-21 for using the article "A" where the device had been previously recited. Responsively, the article has been changed to --the--.

Similarly, in claims 25-31, the phrase "a container" has been changed to --the container--. In this objection, the Official Action refers to claim 32. Applicants understand that this is a typo and that claim 25 is being referred to.

In view of the above, Applicants believe that they have responded to the noted claim objections.

The Official Action rejected claims 1-44 under § 112, second paragraph, as being indefinite.

The claims have been amended so as to remedy the stated basis of rejection. Accordingly, withdrawal of the indefinite rejection is respectfully requested.

The Official Action rejected claims 34-37 under § 101. Claim 34 has been cancelled and the dependencies of claims 35-37 have been amended. Accordingly, withdrawal of the § 101 rejection is respectfully requested.

Claims 1-6, 9 and 32 stand rejected as anticipated by HODSON et al. 5,347,998.

Claims 38, 39, and 41-44 stand rejected as obvious over HODSON et al. in view of WAKEMAN 3,151,618.

Applicants acknowledge with appreciation that the Official Action indicated that claims 7-8, 10-31, 33-37 and 40 were directed to allowable subject matter.

Applicants appreciate the indication of allowable subject matter; however, Applicants respectfully suggest that the independent claims are allowable in their own right.

HODSON et al. discloses an aerosol inhaler that uses an electromechanical means for "priming" the inhaler; that is, loading the actuation spring. This loading may be accomplished by a motor or a solenoid, where the loading takes place against a blocking means connected to a vain in the inhaler, and holding the container in place. Upon activation of the device by inhalation by a patient, the blocking means is released, whereby the container is depressed and the medicament is delivered.

In some embodiments, i.e. those of Figures 6-9, the motor or cellanoid is activated by time control to return to its original position whereby the canister is also returned, either by the motor/cellanoid or by the internal spring of the canister. According to other embodiments, the motor/cellanoid is activated by a switch that senses when the canister has moved a certain distance, whereby the activation of the switch causes the motor/cellanoid to return to its original position.

However, none of the embodiments disclose the recited return means "now recited as return controller," deactivating the canister to close the opening when the airflow drops below a certain threshold value. Alternately, as recited by new independent claim 45, a return controller closing the inhaler and stopping dispensing medicament responsive to an airflow from the inhaler falling below a set threshold value.

As none of the embodiments disclose a return means that deactivates the canister when the inhalation airflow through the device drops below a certain threshold, the reference cannot be anticipatory. In contrast, the return means disclosed by the reference are all activated by an electrical response from either a time circuit or switches, which activation is originated from the start of inhalation.

As the reference fails to disclose this recited feature of the present invention found in the independent claim, the independent claim as well as the claims depending therefrom is believed to be allowable. Reconsideration and allowance of all the pending claims are respectfully requested.

Applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

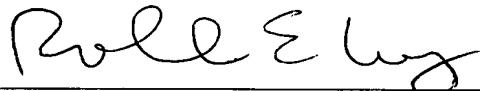
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Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item(s):

- a Replacement Sheet for Figure 17 of the drawings